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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,817	12/14/2001	Imad Assaf	38961-20	1669

7590

04/03/2003

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EXAMINER

ROSENBERG, LAURA B

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/014,817

Applicant(s)

ASSAF ET AL.

Examiner

Laura B Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: rubber sheet 59 (page 8, lines 24-26). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. Also, the drawings are objected to because large portions of figures 5 and 6 have been omitted. Thus, figures 5 and 6 are not complete. Therefore, some of the features of the claimed invention, as disclosed on page 10 of the specification, are not shown in figures 5 and 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the legal term "means" is used in the abstract. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: the phrase beginning "is specifically is" is grammatically incorrect (page 3, line 25); the phrase beginning "some force is applied to upwardly to" is grammatically incorrect (page 7, lines 18-19). Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the seat" in line 4; claims 7 and 17 recite the limitation "the spring pack" in line 4. There is insufficient antecedent basis for these limitations in the claims.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Neavitt et al. (6,273,441). In regards to claims 1 and 11, Neavitt et al. disclose a cargo carrier suspension for installation on a cargo carrier (cargo carrier is a vehicle; abstract, lines 1-2) having a cargo support (not shown; cargo support formed near the frame in the top portion of figure 1) and a transport means (not shown; transport means is a wheel attached to the wheel hub shown in the bottom of figure 1; column 5, lines 56-58) on which the cargo support rides. The cargo carrier suspension comprises a leaf spring (#12, 14) connectable on and acting on the cargo carrier between the cargo support and the transport means (best seen in figure 1) and a clamping device (#19, 21-26, 28; best seen in figures 2, 3) for engagement on the leaf spring and adjustable to select the degree of flexibility of the leaf spring (adjustment occurs with #16, 22, 24).

In regards to claims 2 and 12, while Neavitt et al. do not specifically disclose the cargo support being a seat, it is understood in the art that the frame (top portion of figure 1) defines a seat, the seat being for people in a traditional motor vehicle or for cargo or animals in a trailer-type vehicle.

In regards to claims 3 and 13, Neavitt et al. disclose the leaf spring including at least one spring leaf (#12, 14; best seen in figure 1).

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In regards to claims 4 and 14, Neavitt et al. disclose the transport means including at least one wheel (not shown; wheel is attached to the wheel hub; column 5, lines 56-58).

In regards to claims 5 and 15, Neavitt et al. disclose the clamping device acting to select the degree of flexibility of the leaf spring by controlling its free flexing length. Specifically, as the bolt #22 is moved closer to the axle #13, the spring #14 will have a larger free flexing length.

In regards to claims 6 and 16, Neavitt et al. disclose the clamping device acting to select the degree of flexibility of the leaf spring by controlling stiffness of the spring (column 1, lines 10-11; column 3, lines 37-39; column 4, lines 9-10; column 6, lines 43-46).

In regards to claims 7 and 17, Neavitt et al. disclose the leaf spring including a plurality of spring leaves (#12, 14; best seen in figure 1) and the clamping device acting to select the degree of flexibility of the leaf spring to control the degree to which the plurality of spring leaves are connected to act together in a spring pack. Specifically, the spring leaves are clamped together to a different degree and thus work together to a different degree depending on the location of the clamping device along the leaf spring.

In regards to claims 8 and 18, Neavitt et al. disclose the clamping device including a bolt (#22) for engagement on the leaf spring.

In regards to claims 9 and 19, Neavitt et al. disclose the clamping device including a pin (#23, 24) for engagement on the leaf spring.

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In regards to claims 10 and 20, Neavitt et al. disclose markings (#16) for guiding the positioning of the clamping device along the leaf spring to achieve a selected degree of flexibility.

10. Claims 1-4, 8, 9, 11-14, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gannett (1,951,477). In regards to claims 1 and 11, Gannett discloses a cargo carrier suspension for installation on a cargo carrier (#10; cargo carrier is a wheelbarrow) having a cargo support (not shown; cargo support formed by the frame #11) and a transport means (wheel #12) on which the cargo support rides. The cargo carrier suspension comprises a leaf spring (#15) connectable on and acting on the cargo carrier between the cargo support and the transport means (best seen in figure 1) and a clamping device (#16, 18-26; best seen in figures 3-5) for engagement on the leaf spring and adjustable to select the degree of flexibility of the leaf spring (adjustment occurs with #16a, 22).

In regards to claims 2 and 12, while Gannett does not specifically disclose the cargo support being a seat, it is understood in the art that the frame (#11) defines a seat, the seat being for cargo when the cargo carrier is used as a wheelbarrow.

In regards to claims 3 and 13, Gannett discloses the leaf spring including at least one spring leaf (#15; best seen in figures 1, 3, 5).

In regards to claims 4 and 14, Gannett discloses the transport means including at least one wheel (#12; figures 1, 2; column 1, lines 35-36).

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In regards to claims 8, 9, 18, and 19, Gannett discloses the clamping device including a bolt or a pin (#22, 23) for engagement on the leaf spring.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arnot, Watson, Hellwig, Pehl, Giovinazzo, Musser, Marple, Williams et al., Lutz, McCanse, Jansson et al., Balczun, Lim et al., and Durrin disclose cargo carrier suspension systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Thursday, alternating Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached at (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



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LBR

March 29, 2003

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*Paul N. Dickson* 3/29/03  
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